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EXAMINER
PARTON, KEVIN S

ART UNIT	PAPER NUMBER
2153	20

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _28 December 2003_.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1,3-16 and 18-24_ is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1,3-16 and 18-24_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 12/28/2003 have been fully considered but they are not

persuasive. Please see the following and the associated grounds of rejection below.

2.   The applicant argues "Hunter and Reichmeyer...do not disclose obtaining configuration

data from a remote proxy for alert detection using the at least one obtained alert detection

parameter" and "do not disclose using the configuration data obtained from the proxy for alert

detection to enable the client device to detect alerts" (page 7, paragraph 4). The argument is not

persuasive for the same reasons set forth in the previous grounds of rejection. Hunter teaches the

retrieval of a management parameter from a first server. This parameter is then used to obtain

configuration information from a remote proxy and the client is automatically configured.

Reichmeyer et al. (USPN 6,286,038) teaches the obtaining of alert detection parameters and then

configuring a client to detect alerts using these parameters. The combination of these two

references renders the current claims obvious as shown below.

3.   All further arguments are not persuasive for the same reasons shown above.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   Claims 1, 5-16, 19, 20, 22, and 24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Reichmeyer et al. in view of Hunter et al.

6.   Regarding claims 1, 19, and 22, Reichmeyer et al. teach a system for configuration of a

network device comprising means for:

    a. Dynamically obtaining at least one management parameter from a first server

        (column 6, lines 7-13)

    b. Dynamically obtaining configuration data from a remote proxy using the at least one

        obtained management parameter (column 6, lines 7-13; column 4, lines 38-43); and

    c. Automatically configuring the client device using the dynamically obtained

        configuration data (column 12, lines 41-42)

Although the system disclosed by Reichmeyer et al. shows substantial features of the

claimed invention, it fails to disclose means for:

    a. Dynamically obtaining at least one alert detection parameter from a first server.

    b. Using the configuration data obtained from a proxy for alert detection to enable the

        client device to detect alerts.

Nonetheless, this feature is well known in the art and would have been an obvious

modification to the system disclosed by Reichmeyer et al., as evidenced by Hunter et al.

In an analogous art, Hunter et al. disclose a system for monitoring alert notification to a

server for client devices comprising means for:

    a. Dynamically obtaining at least one alert detection parameter from a first server

        (column 4, lines 11-16; column 6, lines 11-13).

    b. Using the configuration data obtained from a proxy for alert detection to enable the

        client device to detect alerts (column 4, lines 11-16; column 6, lines 11-13).

Given the teaching of Hunter et al., a person having ordinary skill in the art would have

readily recognized the desirability and advantages of modifying Reichmeyer et al. (USPN

6,286,038) by employing an alert detection parameter with the at least one management

parameter and further configuring the device to detect alerts using the configuration information.

This benefits the system by allowing the device to be easily monitored locally. The reference to

Hunter et al. points out in column 2, lines 56-61 and column 3, lines 2-8 that it will benefit the

system to configure clients to automatically monitor and detect alert states.

7.   Regarding claim 5, the systems disclosed by Reichmeyer et al. and Hunter et al. teach all

the limitations as specified above. Reichmeyer et al. further teach a system wherein the first

server operates according to a dynamic host control protocol (column 3, line 55 – column 4, line

30). The configuration information server is analogous to the first server of the claim.

8.   Regarding claim 6, Reichmeyer et al. discloses a system for network device configuration

comprising means:

    a. Wherein the at least one management parameter is requested by the client device

       from the first server (column 4 lines 14-17).

Although the system disclosed by Reichmeyer et al. shows substantial features of the

claimed invention, it fails to disclose means:

    a. Wherein the at least one alert detection parameter is requested by the client device

       from the first server.

Nonetheless, this feature is well known in the art and would have been an obvious

modification of the system disclosed by Reichmeyer, as evidenced by Hunter et al.

In an analogous art, Hunter et al. disclose a system for monitoring alert notification to a server for client devices comprising means:

    a.   Wherein at least one alert detection parameter is requested by the client device from the first server (column 15, lines 11-14).

Given the teaching of Hunter et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Reichmeyer et al. by obtaining the at least one alert detection and management parameter from a single, two logically, or two physically separated servers. This benefits the system by separating functions onto separate servers to increase efficiency and/or reliability. The reference to Hunter et al. points out in column 2, lines 56-61 and column 3, lines 2-8 that it will benefit the system to configure clients to automatically monitor and detect alert states.

9.   Regarding claim 7, the systems disclosed by Reichmeyer et al. and Hunter et al. teach all the limitations as specified above. Reichmeyer et al. further teach a system wherein the at least one alert detection parameter is requested by the client device using the options field of a dynamic host control protocol (DHCP) message (column 4 lines 34-38).

10.   Regarding claims 8, 20, and 24, Reichmeyer et al. disclose a system for network device configuration comprising means:

    a.   Wherein dynamically obtaining by the client device the at least one alert detection parameter further comprises dynamically obtaining a configuration server address (column 6, lines 7-13).

Although the system disclosed by Reichmeyer et al. shows substantial features of the claimed invention, it fails to disclose means:

    a. Wherein dynamically obtaining by the client device the at least one alert detection

        parameter further comprises obtaining at least one of an alert destination address,

        watchdog interval, and heartbeat interval.

Nonetheless, these features are well known in the art and would have been an obvious

modification to the system disclosed by Reichmeyer et al, as evidenced by Hunter et al.

In an analogous art, Hunter et al. disclose a system for monitoring alert notification to a

server for client devices comprising means:

    a. Wherein dynamically obtaining by the client device the at least one alert detection

        and management parameter further comprises obtaining at least one of an alert

        destination address (column 11, line 63- column 12, line 10), watchdog interval, and

        heartbeat interval.

Given the teaching of Hunter et al., a person having ordinary skill in the art would have

readily recognized the desirability and advantages of modifying Reichmeyer et al. by including

the alert monitoring server address, or alert destination address, in the initial communication and

configuration. This benefits the system by allowing the configured device to begin detecting and

sending alerts without further configuration. Please note that any of a number of configuration

values could be included. The reference to Hunter et al. points out in column 2, lines 56-61 and

column 3, lines 2-8 that it will benefit the system to configure clients to automatically monitor

and detect alert states.

11.   Regarding claim 9, although the system disclosed by Reichmeyer et al. (USPN

6,286,038) (as applied to claim 8) shows substantial features of the claimed invention, it fails to

disclose means wherein the alert destination file address uniquely identifies the remote alert

proxy on the network.

Nonetheless, these features are well known in the art and it would have been an obvious

modification of the system disclosed by Reichmeyer et al. (USPN 6,286,038), as evidenced by

Hunter.

In an analogous art, Hunter et al. disclose a system for monitoring alert notification to a

server for client devices comprising means wherein the alert destination file address uniquely

identifies the remote alert proxy on the network (column 11, line 63 – column 12, line 10).

Given the teaching of Hunter, a person having ordinary skill in the art would have readily

recognized the desirability and advantages of including the address of an alert proxy with the

location of the configuration file of Reichmeyer et al. This benefits the system by allowing

aberrant events or alerts to be reported to the central server or alert proxy. The reference to

Hunter et al. points out in column 2, lines 56-61 and column 3, lines 2-8 that it will benefit the

system to configure clients to automatically monitor and detect alert states and report to a server.

12.   Regarding claim 10, Reichmeyer et al. and Hunter et al teach all the limitations of claims

1, but do not specify that the configuration data is dynamically obtained from a remote alert

proxy through a remote management and control protocol (RMCP).

Nonetheless, these features are well known in the art and it would have been an obvious

modification of the system disclosed by Reichmeyer et al. (USPN 6,286,038).

A person having ordinary skill in the art would have readily recognized the desirability of

modifying the system of Reichmeyer et al. (USPN 6,286,038) by specifying that the

configuration data is dynamically obtained from a remote alert proxy through a remote

management and control protocol (RMCP). This benefits the system by allowing it to operate on

any of a number of standard networks employing any of a number of different communication

protocols.

13.   Regarding claim 11, Reichmeyer et al. disclose a system for network device

configuration comprising means for:

     a.   Receiving by a proxy, a configuration data request from a client device (column 4,

         lines 41-43)

     b.   Wherein the configuration data request is being submitted by the client device using

         at least one dynamically obtained management parameter (column 6, lines 7-13,

         column 4, lines 38-40); and

     c.   Providing the requested configuration data to the client device to enable the client

         device to be automatically configured (column 4, lines 41-43).

Although the system disclosed by Reichmeyer et al. shows substantial features of the

claimed invention, it fails to disclose means:

     a.   Wherein the proxy is specifically a proxy for alert detection.

     b.   Wherein the parameter is an alert detection parameter.

     c.   Wherein the client is configured to detect alerts.

In an analogous art, Hunter et al. disclose a system for monitoring alert notification to a

server for client devices comprising:

     a.   Wherein the proxy is specifically a proxy for alert detection (column 4, lines 11-16;

         column 6, lines 11-13)

b. Wherein the parameter is an alert detection parameter (column 4, lines 11-16; column

6, lines 11-13)

c. Wherein the client is configured to detect alerts (column 4, lines 11-16; column 6,

lines 11-13)

Given the teaching of Hunter et al., a person having ordinary skill in the art would have

readily recognized the desirability and advantages of modifying Reichmeyer to include alert

detection parameters with the standard network configuration and configure the client to detect

alerts. This benefits the system by allowing the configured device to begin detecting and sending

alerts without further configuration. The reference to Hunter et al. points out in column 2, lines

56-61 and column 3, lines 2-8 that it will benefit the system to configure clients to automatically

monitor and detect alert states.

14.   Regarding claim 12, Reichmeyer et al. teach all the limitations of the claim with the

exception of specifying that the alert detection come from a second server.

Nonetheless, these features are well known in the art and it would have been an obvious

modification of the system disclosed by Reichmeyer et al. (USPN 6,286,038).

A person having ordinary skill in the art would have readily recognized the desirability

and advantages of modifying Reichmeyer et al. (USPN 6,286,038) by employing two logically or

physically separated servers for the delivery of the parameter and the delivery of the

configuration file. This benefits the system by increasing reliability and efficiency of the system.

15.   Regarding claim 13, the systems disclosed by Reichmeyer et al. and Hunter et al. teach

all the limitations as specified above. Reichmeyer et al. further teach a system wherein the

second server operates according to a dynamic host control protocol (DHCP) (column 3, line 55

– column 4, line 30). The configuration information server is analogous to the second server of the claim.

16.   Regarding claim 14, Reichmeyer et al. disclose a system for network device configuration comprising means wherein the at least one dynamically obtained alert detection parameter includes a configuration file destination address (column 6, lines 7-13).

Although the system disclosed by Reichmeyer et al. shows substantial features of the claimed invention, it fails to disclose means wherein the at least one dynamically obtained alert detection parameter includes at least one of a dynamically obtained alert destination address, watchdog interval and heartbeat interval.

Nonetheless, these features are well known in the art and would have been an obvious modification to the system disclosed by Reichmeyer et al, as evidenced by Hunter et al.

In an analogous art, Hunter et al. disclose a system for monitoring alert notification to a server for client devices comprising means wherein the at least one dynamically obtained alert detection parameter includes at least one of a dynamically obtained alert destination address (column 11, line 63- column 12, line 10), watchdog interval and heartbeat interval.

Given the teaching of Hunter et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Reichmeyer et al. by including the alert monitoring server address, or alert destination address, in the initial communication and configuration. This benefits the system by allowing the configured device to begin detecting and sending alerts without further configuration. Please note that any of a number of configuration values could be included. The reference to Hunter et al. points out in column 2, lines 56-61 and

column 3, lines 2-8 that it will benefit the system to configure clients to automatically monitor and detect alert states.

17.   Regarding claim 15, Reichmeyer et al. and Hunter et al. teach all the limitations of the claim as specified above. Reichmeyer further teaches means wherein the dynamically obtained alert destination address uniquely identifies the first server on the network (column 6, lines 7-13; column 4, lines 38-43).

18.   Regarding claim 16, Reichmeyer et al. and Hunter et al teach all the limitations of claim 11, but do not specify that the configuration data is provided to the client device through a remote management and control protocol (RMCP).

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Reichmeyer et al. (USPN 6,286,038).

A person having ordinary skill in the art would have readily recognized the desirability and advantages of specifying that the configuration data is provided to the client device through a remote management and control protocol (RMCP). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use any industry standard messaging that would facilitate the necessary information exchange. This benefits the system by allowing it to operate on any of a number of standard networks employing any of a number of different communication protocols.

19.   Claims 3, 4, 18, 21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reichmeyer et al. and Hunter et al. as applied to claims 1, 2, 5-17, 19, 20, 22, and 24-27 above, and further in view of Cromer et al.

20.   Regarding claims 3 and 23, although Reichmeyer et al. and Hunter et al. show substantial features of the claimed invention (discussed above), they fail to disclose:

a. Means for enabling the device to detect alerts while the device is in a reduced functional state

Nonetheless, these features are well known in the art and would have been an obvious modification to the system disclosed by Reichmeyer et al. in view of Hunter et al. as evidenced by Cromer et al.

In an analogous art, Cromer et al. teach a system comprising:

a. Means for enabling a client device to detect alerts while the device is in a reduced functional state (column 3, lines 38-43).

Given the teaching of Cromer et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Reichmeyer et al. in view of Hunter et al. by employing this system to allow for monitoring of alerts while the client CPU is down. This benefits the system by ensuring some level of alert detection while the client CPU was unavailable. Cromer points out in column 2, lines 45-54 why it is important to provide updates and monitoring while systems are in a reduced functional state.

21.   Regarding claims 4, 18, and 21, although Reichmeyer et al. and Hunter et al. show substantial features of the claimed invention (discussed above), they fail to disclose:

a. Means for enabling the device to detect alerts while the device is in a reduced functional state wherein the reduced functional state includes an operating system unavailable state.

Nonetheless, these features are well known in the art and would have been an obvious

modification to the system disclosed by Reichmeyer et al. in view of Hunter et al. as evidenced

by Cromer et al.

In an analogous art, Cromer et al. teach a system comprising:

a. Means for enabling the device to detect alerts while the device is in a reduced

    functional state wherein the reduced functional state includes an operating system

    unavailable state (column 3, lines 38-43).

Given the teaching of Cromer et al., a person having ordinary skill in the art would have

readily recognized the desirability and advantages of modifying Reichmeyer et al. in view of

Hunter et al. by employing this system to allow for monitoring of alerts while the client CPU is

down. This powerless reduced functionality state encompasses operating system unavailable.

This benefits the system by ensuring some level of alert detection while the client CPU was

unavailable. Cromer points out in column 2, lines 45-54 why it is important to provide updates

and monitoring while systems are in a reduced functional state.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kevin Parton whose telephone number is (703)306-0543. The

examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glenton Burgess can be reached on (703)305-4792. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

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applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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